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ATTORNEY FOR APPELLANT:

TIMOTHY J. BURNS
Indianapolis, Indiana

ATTORNEYS FOR APPELLEE:

STEVE CARTER
Attorney General of Indiana

RICHARD C. WEBSTER
Deputy Attorney General
Indianapolis, Indiana

**IN THE
COURT OF APPEALS OF INDIANA**

CARLOS WILSON,)	
)	
Appellant-Defendant,)	
)	
vs.)	No. 49A02-0606-CR-524
)	
STATE OF INDIANA,)	
)	
Appellee-Plaintiff.)	

APPEAL FROM THE MARION SUPERIOR COURT
The Honorable Carol Orbison, Judge
Cause No. 49G17-0604-CM-67985

March 13, 2007

MEMORANDUM DECISION - NOT FOR PUBLICATION

KIRSCH, Judge

Carlos Wilson appeals his conviction for battery¹ as a Class A misdemeanor and raises one issue, which we restate as whether sufficient evidence was presented to support his conviction.

We affirm.

FACTS AND PROCEDURAL HISTORY

On April 14, 2006, Mindy Fritz and Wilson were visiting the home of Fritz's sister in Indianapolis. Wilson, who was drunk, began arguing with another person at the house. Fritz's sister asked Fritz to drive Wilson home. Although Fritz was hesitant, she complied.

On the drive to Wilson's house, Wilson yelled at Fritz, calling her derogatory names. *Tr.* at 6. Fritz then stopped the car and told Wilson to get out of the car. Wilson refused to leave and struck Fritz in the left eye with his fist, causing her pain. *Id.* Fritz then told Wilson that she would drive him to his mother's house and that his family would help remove him from her car. *Id.* Wilson repeatedly asked Fritz for a cigarette, but Fritz told Wilson that she did not have one. *Id.* at 7. Wilson then grabbed Fritz's upper right arm, causing her pain. *Id.* Fritz continued to tell Wilson to get out of her car, and he eventually complied. Fritz drove back to her sister's house where her sister called the police and Fritz reported Wilson's actions. Later that evening, Fritz went to the hospital and was diagnosed with a trapezius sprain. *Id.* at 7-8.

¹ See IC 35-42-2-1(a)(1).

DISCUSSION AND DECISION

When we review a claim of insufficient evidence, we neither reweigh the evidence nor judge the credibility of the witnesses. *Abney v. State*, 858 N.E.2d 226, 228 (Ind. Ct. App. 2006). We consider only the evidence and all reasonable inferences favorable to the judgment. *Id.* We will affirm the conviction unless we conclude that no reasonable factfinder could find the elements of the crime proven beyond a reasonable doubt. *Id.*

To convict Wilson of battery, the State was required to prove that Wilson: (1) knowingly; (2) touched another person in a rude, insolent, or angry manner; (3) that resulted in bodily injury to the other person. IC 35-42-2-1.

Wilson argues that the State did not present sufficient evidence to support his conviction for battery. He specifically claims that the evidence did not establish that he knowingly touched Fritz in a rude, insolent, or angry manner. He contends that he only grabbed her arm when she attempted to hit him.

The evidence at trial was sufficient for the trial court to conclude that Wilson knowingly touched Fritz in a rude, insolent, or angry manner. Uncorroborated testimony of a single witness is sufficient to sustain a conviction on appeal. *Seketa v. State*, 817 N.E.2d 690, 696 (Ind. Ct. App. 2004). Here, Fritz testified that Wilson called her derogatory names. After she asked Wilson to leave her car, he became violent and struck her in the eye. *Tr.* at 6. Then, after she refused to give him a cigarette, he grabbed her arm, causing a trapezius sprain. *Id.* at 7.

If the testimony believed by the trier of fact is enough to support the conviction, then the reviewing court will not disturb it. *Ferrell v. State*, 746 N.E.2d 48, 51 (Ind. 2001). In

this case, the trial court believed Fritz's testimony, and her testimony was sufficient to support a conviction for battery.²

Affirmed.

RILEY, J., and FRIEDLANDER, J., concur.

² Wilson also raises the issue of self-defense. *Appellant's Br.* at 6-7. However, this defense has been waived since it was not properly raised at trial. "A claim of self-defense requires a defendant to have acted without fault, been in a place where he or she had a right to be, and been in reasonable fear or apprehension of bodily harm." *White v. State*, 699 N.E.2d 640, 635 (Ind. 1998). Wilson's testimony regarding the battery did not sufficiently raise the defense at trial.